



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, JANUARY 13, 2011**

Invocation: Pastor Edward Garcia, Emmanuel United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 13, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council regular meeting of December 16, 2010.
The minutes from the regular meeting of December 16, 2010 were approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 2 was pulled to be heard after the Executive Session.

3. Approve an ordinance authorizing acceptance of \$86,774 in American Recovery and Reinvestment Act grant funds from the U.S. Department of Energy through the Texas Department of Housing and Community Affairs as the administering agency, and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 to appropriate \$86,774 for weatherization of homes for low-income, elderly, and disabled customers within Austin Energy's service area. Funding is available from the Department of Energy through the Texas Department of Housing and Community Affairs as a result of the American Recovery and Reinvestment Act of 2009 for the grant period of September 1, 2009 to August 31, 2011. The General Fund will not be required to contribute to this grant. Recommended by the Electric Utility Commission and the Resource Management Commission.

Ordinance No. 20110113-003 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

4. Authorize negotiation and execution of an Interlocal Agreement with the CITY OF MUSTANG RIDGE, TX for a one-year term to be automatically renewed annually on October 1st, whereby Mustang Ridge will provide the documentation and notification required for the City of Austin to continue to provide Mustang Ridge with addressing services for 911 purposes. Compensation will be made to the City of

Austin by the Capital Area Council of Governments (CAPCOG), pursuant to the Interlocal Agreement signed by the City of Austin and CAPCOG as approved by Austin City Council on August 20, 2009.

The motion authorizing the negotiation and execution of an interlocal agreement with the City of Mustang Ridge was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

5. Authorize negotiation and execution of all documents and instruments necessary or desirable to acquire the following real property interests in connection with the Austin Clean Water Program: Govalle 1 - South 2nd Street Reroute - North Wastewater Improvement Project for a 245 square-foot permanent wastewater line easement out of and a part of Lot A, Ragland Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 9, Page 15, Plat Records, Travis County, Texas located at 607 Copeland, Austin, County of Travis, State of Texas; a 100 square-foot temporary working space easement and a 136 square-foot permanent wastewater line easement out of and a part of Lot B, Ragland Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 9, Page 15, Plat Records, Travis County, Texas located at 1108 South 1st, Austin, County of Travis, State of Texas; a 318 square-foot permanent wastewater line easement and a 1,102 square-foot temporary working space easement out of and a part of Lot 1, Judy Franklin subdivision, a subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 55, Page 79, Plat records, Travis County, Texas located at 1106 1/2 South 2nd, Austin, County of Travis, State of Texas; and a 1,338 square-foot permanent wastewater line easement, a 1,997 square-foot permanent wastewater line easement for a subterranean tunnel and a 7,275 square-foot temporary working space easement out of and a part of lot 1, Block C of the Partition of the Estate of James. E. Bouldin out of the Isaac Decker League, in City of Austin, Travis County, Texas, said Partition being recorded in Book U, Page 78, Travis County, Texas located at 1108 South 1st, Austin, County of Travis, State of Texas, in the amount not to exceed \$200,887. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Austin Water Utility Department.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire real property interests in connection with the Austin Clean Water Program was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

6. Authorize negotiation and execution of all documents and instruments necessary or desirable to sell an approximately 1,575 square foot portion of the northwest corner of Tract A, Block 4, Oak Park Subdivision, Sections 2 & 3, Austin, Travis County, Texas, located at 6219 Oakclaire Drive, said portion being the Oakclaire Water Pump Station Site (Hwy 290 West at Oakclaire Drive), to YMCA of Austin, the adjacent property owner, for the fair market value of \$3,762.50.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to sell a portion of the northwest corner of Tract A, Block 4, Oak Park Subdivision, Sections 2 and 3 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 7 was pulled to be heard after the Executive Session.

8. Authorize execution of a construction contract with MAC, INC., Austin, TX for slab and driveway repairs at Fire Stations 10, 17 and 28 in an amount not to exceed \$314,000. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Financial and Administrative Services Department. Lowest bid of 5 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.38% MBE and 1.62% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with MAC, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

9. Authorize execution of the Change Order #7 to the construction contract with RANGER EXCAVATING, L.P., Austin, TX for FM 812 Municipal Solid Waste Landfill Final Closure and Erosion Control Improvements project in the amount of \$93,093.87, for a total contract amount not to exceed \$6,290,577.37. Funding is available in the Fiscal Year 2010-2011 Capital Budget of the Solid Waste Services Department. This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) with 7.36% MBE and 6.99% WBE subcontractor participation to date including this change order. To be reviewed by the Solid Waste Advisory Commission on January 12, 2011.
The motion authorizing the execution of the change order number seven to the construction contract with Ranger Excavating, L.P. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
10. Approve an ordinance amending the Fiscal Year 2010-2011 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002 by adding a 0.5 full-time equivalent position, resulting in a total of 11 full time equivalent positions for the Public Health Emergency Preparedness Grant Program. Funding for a 0.5 full-time equivalent position increase is available in the amount of \$23,722 from the Texas Department of State Health Services, Community Preparedness Section. The grant period is August 1, 2010 through July 31, 2011. No additional match is required.
Ordinance No. 20110113-010 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
11. Approve an ordinance accepting \$63,152 in grant funds authorized through the American Recovery and Reinvestment Act from the Texas State Library and Archives Commission, Austin, TX; and amending the Fiscal Year 2010-2011 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20100913-002, to appropriate \$63,152 to establish a computer training and job search center at the George Washington Carver Branch Library. Funding is available from the Texas State Library and Archives Commission and authorized through the American Recovery and Reinvestment Act. The grant period is November 1, 2010 through September 15, 2013. A City in-kind match of \$34,719.62 is required.
Ordinance No. 20110113-011 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
12. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments (CAPCOG), and payment of the related membership fee, in an amount not to exceed \$81,023. Funding is available in the Fiscal Year 2010-2011 Operating Budget of the Planning and Development Review Department.
Resolution No. 20110113-012 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
13. Approve an ordinance amending Ordinance No. 20101104-033 to correct the land use designation for property located at 5912 and 5916 Bolm Road in the Govalle/Johnston Terrace combined neighborhood plan.
Ordinance No. 20110113-013 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
14. Approve an ordinance granting variances to Section 25-9-158 (public hearing deadline) and Section 25-9-159 (Council action deadline) of the City Code relating to a petition submitted for consent to the creation of the Rio De Vida Improvement District No. 1 (approximately 2,130 acres of land located along the east and west sides of SH 130 between FM 969 and the Colorado River).
Ordinance No. 20110113-014 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

15. Approve an ordinance authorizing execution of a Managed Growth Agreement with Shire's Court Ltd., to extend the expiration date for completion of a project known as Shire's Court, located at 19101/2 Wickshire Lane, to March 21, 2019.
Ordinance No. 20110113-015 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
16. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Police Department Fee Schedule of Ordinance No. 20100913-004 to establish a new fee for a metal recycler's permit. July 15, 2010 – Recommended by the Solid Waste Advisory Commission.
Ordinance No. 20110113-016 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
17. Authorize award, negotiation, and execution of a contract with DRIESSEN WATER 1 INC. DBA CULLIGAN OF AUSTIN, Austin, TX or the other qualified offeror to RFP No. SMH0110REBID, for the purchase and install of an upgraded demineralizer system at the Decker Creek Power Station in an estimated amount not to exceed \$2,094,750. Funding is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Best evaluated proposal of three proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 1.7% MBE and 25% WBE Subcontractor Participation. Recommended by the Electric Utility Commission.
The motion authorizing the award, negotiation and execution of a contract with Driessen Water 1 Inc. doing business as Culligan of Austin was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
18. Authorize award, negotiation, and execution of Amendment No. 4 to a contract with ECOLOGIC ANALYTICS, LLC., Bloomington, MN for a software upgrade, implementation, support, and system enhancing services for the existing meter data management system for Austin Energy in an amount not to exceed \$200,000, and to increase the remaining three 12-month extension options in an amount not to exceed \$75,000 per option, for a revised total contract amount not to exceed \$2,049,312. Funding in the amount of \$200,000 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding for the remaining 36 months of the current contract period and extension options is contingent upon available funding in future budgets. Contract Amendment. This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award, negotiation and execution of amendment number four to a contract with Ecologic Analytics, LLC. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
19. Authorize award and execution of a 12-month requirements service contract with HUTHER & ASSOCIATES, INC., Denton, TX, for toxicity testing of wastewater treatment plant and power plant effluents in an estimated amount not to exceed \$29,000, with three 12-month extension options in an estimated amount not to exceed \$29,000 per extension option, for a total estimated contract amount not to exceed \$116,000. Funding in the amount of \$9,750 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding in the amount of \$12,000 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Water Utility. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission. To be reviewed by the Water and Wastewater Commission on January 12, 2011.

The motion authorizing the award and execution of a requirements service contract with Huther & Associates, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

20. Authorize award and execution of a 12-month requirements supply contract with NATIVE TEXAS NURSERY, INC., Austin, TX for the purchase of potted trees and plants for mitigation services in an estimated amount not to exceed \$52,925, with four 12-month extension options in an estimated amount not to exceed \$52,925 per extension option, for a total estimated contract amount not to exceed \$264,625. Funding in the amount of \$35,283 is available in the Fiscal Year 2010-2011 Operating Budget of Austin Energy. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest most responsive bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements supply contract with Native Texas Nursery, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

21. Authorize award and execution of a 24-month requirements supply contract with TECHLINE, INC., Austin, TX for the purchase of network protectors for Austin Energy in an estimated amount not to exceed \$1,658,020, with two 12-month extension options in an estimated amount not to exceed \$829,010 per extension option, for a total estimated contract amount not to exceed \$3,316,040. Funding in the amount of \$829,010 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements supply contract with Techline, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

22. Authorize award and execution of a 24-month requirements service contract with TECHLINE, INC., Austin, TX for network protector rebuild services for Austin Energy in an estimated amount not to exceed \$1,893,304, with two 12-month extension options in an estimated amount not to exceed \$946,652 per extension option, for a total estimated contract amount not to exceed \$3,786,608. Funding in the amount of \$946,652 is available in the Fiscal Year 2010-2011 Capital Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements service contract with Techline, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

23. Authorize award and execution of a 36-month requirements service contract with ENTECH SALES AND SERVICE, INC., Buda, TX for chiller inspection, testing, maintenance and repair for the Aviation Department in an estimated amount not to exceed \$306,609, with two 12 month extension options in an estimated amount not to exceed \$102,203 per extension option, for a total estimated contract amount not to exceed \$511,015. Funding in the amount of \$76,652 is available in the Fiscal Year 2010-2011

Operating Budget of the Aviation Department. Funding for the remaining 21 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive bid of four bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the award and execution of a requirements service contract with Entech Sales and Service, Inc. was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

24. Authorize award, negotiation, and execution of a 36-month requirements service contract with SWAGIT PRODUCTIONS LLC, Plano, TX, for streaming media services and software in an estimated amount not to exceed \$130,250, with three 12-month extension options in an amount not to exceed \$33,600 per extension option, for a total estimated contract amount not to exceed \$231,050. Swagit Productions LLC is the sole source provider for these services. Funding in the amount of \$22,400 is available in the Fiscal Year 2010-2011 Operating Budget of the Communication and Public Information Department. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. This contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award, negotiation and execution of a requirements service contract with Swagit Productions LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

25. Authorize award and execution of a 24-month requirements supply contract with BOUNDTREE MEDICAL, LLC, Dublin, Ohio for the purchase of ResQPOD(r) circulatory enhancer devices in an estimated amount not to exceed \$176,000, with two 12-month extension options in an estimated amount not to exceed \$115,200 for first extension option and \$138,240 for second extension option, for a total estimated contract amount not to exceed \$429,440. Boundtree Medical LLC is the sole source provider for these devices. Funding in the amount of \$60,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Emergency Medical Services Department. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of a requirements supply contract with Boundtree Medical, LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

26. Authorize award and execution of a 48-month service contract through the State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas COOP), with XEROX CORPORATION, Austin, TX for the lease of multi-function document imaging machines in an estimated amount not to exceed \$668,850. Funding in the amount of \$112,083 is available in the Fiscal Year 2010-2011 Operating Budget of the Park and Recreation Department (\$93,154); Emergency Medical Services (\$11,355); and Human Resources Department (\$7,574). Funding for the remaining thirty-nine months of the original contract period is contingent upon available funding in future budgets. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the award and execution of a service contract through the State of Texas Procurement and Support Service Cooperative Purchasing Program (State of Texas COOP) with

Xerox Corporation was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

27. Authorize award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with FREEWAY FORD, Houston, TX, for the purchase of four Emergency Medical Services command vehicles in an amount not to exceed \$294,500. Funding is available in the Fiscal Year 2010-2011 Vehicle Acquisition Fund. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.
The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council of Governments Cooperative Purchasing Program (HGAC) with Freeway Ford was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
28. Authorize award and execution of a 36-month requirements service contract with NICHOLAS OWEN dba TEXAS HITCH & TRUCK CENTER, Austin, TX to provide parts and repair services for custom hitches, trailers, and accessories in an estimated amount not to exceed \$273,000, with three 12-month extension options in estimated amounts not to exceed \$129,600 for the first extension option, \$155,520 for the second extension option, and \$186,624 for the third extension option, for a total estimated contract amount not to exceed \$744,744. Funding in the amount of \$56,250 is available in the Fiscal Year 2010-2011 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Nicholas Owen doing business as Texas Hitch & Truck Center was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
29. Authorize award and execution of a 36-month requirements supply contract with MWI VETERINARY SUPPLY, Meridian, ID, or the other qualified bidder for IFB-BV No. CEA0007, to provide veterinary supplies in an estimated amount not to exceed \$1,891,500, with three 12-month extension options in estimated amounts not to exceed \$694,575 for the first extension option, \$729,304 for the second extension option, and \$765,769 for the third extension option, for a total estimated contract amount not to exceed \$4,081,148. Funding in the amount of \$450,000 is available in the Fiscal Year 2010-2011 Operating Budget of the Health and Human Services Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Best-value bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with MWI Veterinary Supply was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
30. Authorize execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with MUSCO SPORTS LIGHTING LLC, Round Rock, TX, for the purchase and installation of new lighting system in an amount not to exceed \$168,835. Funding is available in the Fiscal Year 2010-2011 Operating Budget for the Parks and Recreation Department. This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement

Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.

The motion authorizing the execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Musco Sports Lighting LLC was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

31. Authorize a final payment to Mid-America Recycling, L.L.C. dba Greenstar (formerly Vista Fibers) for processing and transportation services of single-stream recycling materials for July, August and September 2010, in an amount not to exceed \$193,945.83. Funding is included in the Fiscal Year 2009-2010 Operating Budget of the Solid Waste Services Department.
The motion authorizing the final payment to Mid-America Recycling, L.L.C. doing business as Greenstar (formerly Vista Fibers) was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
32. Approve a resolution authorizing the submittal of a list of potential transportation projects to Capital Area Metropolitan Planning Organization (CAMPO) as candidates for federal grant application under the Surface Transportation Program Metropolitan Mobility (STP MM) program administered through CAMPO and the Texas Department of Transportation (TxDOT). Funding is available through the Capital Area Metropolitan Planning Organization (CAMPO) for federal grants under the Surface Transportation Program Metropolitan Mobility program. There is a required minimum match of 20 percent for federal grant funding.
Resolution No. 20110113-032 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
33. Authorize negotiation and execution of a community facilities agreement with International Bank of Commerce (IBC) regarding IBC's cost participation for the relocation of a stormwater drainage line to be constructed by the City along Nueces Street from West 5th Street to West 8th Street. Funding is available in the Fiscal Year 2010 - 2011 Capital Budget of the Watershed Protection Department.
The motion authorizing the negotiation and execution of a community facilities agreement with International Bank of Commerce (IBC) was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
34. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
There were no appointments or waivers.
35. Approve an ordinance related to the compensation for the municipal court judges. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez Council Member William Spelman)
Ordinance No. 20110113-035 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
36. Approve an ordinance waiving certain fees and costs for the 2011 Austin Farmer's Markets, a City co-sponsored event, during the 2011 calendar year. (Council Member Chris Riley Council Member Sheryl Cole Mayor Pro Tem Mike Martinez)
Ordinance No. 20110113-036 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
37. Approve an ordinance encouraging support of the Lemonade Day Austin 2011 event on Sunday, May 1, 2011 taking place City-wide, waiving the requirement for a temporary food permit under City Code Chapter 10-3 and waiving the requirement for a license agreement under Chapter 14-11. (Council Member Randi Shade Council Member Chris Riley Council Member Sheryl Cole)

Ordinance No. 20110113-037 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 38 was pulled for discussion.

39. Approve a resolution directing the City Manager to examine ways to reduce City of Austin employee single-occupancy vehicle trips by creating an employee commuter benefit program. (Council Member Chris Riley Council Member Sheryl Cole Mayor Pro Tem Mike Martinez)
Resolution No. 20110113-039 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
40. Approve a resolution directing the city manager to research best practices on engaging communities and building support for low-income housing projects and report his findings and recommendations to the Comprehensive Planning and Transportation Subcommittee. (Council Member Laura Morrison Council Member Sheryl Cole)
Resolution No. 20110113-040 was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
41. Approve the waiver of certain fees for the Young Hispanic Professional Austin Association's (YHPAA) 5th year anniversary celebration, which is to be held on Friday, January 28, 2011 at the Emma S. Barrientos Mexican American Cultural Center (MACC). (Mayor Pro Tem Mike Martinez Council Member Laura Morrison Council Member Sheryl Cole)
The motion to approve the waiver of certain fees for the Young Hispanic Professional Austin Association's (YHPAA) 5th year anniversary celebration was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
42. Approve the waiver of certain additional street event permit fees for the 2011 Dell Children's Gala: One Child at a Time event, which is to be held on Saturday, January 29, 2011 at the Austin Convention Center. (Council Member Chris Riley Council Member Sheryl Cole Mayor Lee Leffingwell)
The motion to approve the waiver of certain additional street event permit fees for the 2011 Dell Children's Gala: One Child at a Time event was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
43. Approve the waiver of certain fees and requirements under City Code Chapter 14-8, and authorize payment of certain costs for the City co-sponsored 2011 Martin Luther King Jr. parade which is to be held Monday, January 17, 2011. (Council Member Sheryl Cole Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez)
The motion to approve the waiver of certain fees and requirements and authorizing payment of certain costs for the City co-sponsored 2011 Martin Luther King Jr. parade was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
44. Set a Public Hearing to consider an ordinance regarding a proposal from CenterPoint Energy Entex to increase customer gas rates. (Suggested date and time: January 27th at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for January 27, 2011 at 4:00 p.m. on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

Item 45 was a briefing item set for 10:30 a.m.

Item 46 is an Executive Session item.

Items 47 through 67 were zoning items set for 2:00 p.m.

Items 68 through 72 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

38. Approve a resolution directing the City Manager to draft, process, and bring forward for Council consideration Land Development Code amendments to improve stream buffer requirements, protect headwaters and streambanks, preserve floodplains, and improve stormwater controls as recommended by the Environmental Board in its November 3, 2010 motion. (Mayor Lee Leffingwell Mayor Pro Tem Mike Martinez and Council Member Chris Riley)
Resolution No. 20110113-038 was approved on Council Member Riley's motion, Mayor Leffingwell's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into the Executive Session at 10:19 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss items 2 and 7 on the regular agenda during Executive Session.

46. Discuss legal issues relating to proposed legislation creating a "meet and confer" process for the City's non-Civil Service employees. (Private Consultation with Attorney-Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 11:55 a.m.

DISCUSSION ITEMS CONTINUED

2. Approve an ordinance amending the Fiscal Year 2010-2011 Austin Energy Capital Budget of Ordinance No. 20100913-003 to increase appropriations by \$17,000,000 for the Holly Street Power Plant decommissioning costs and amending the Fiscal Year 2010-2011 Austin Energy Operating Budget of Ordinance No. 20100913-002 to increase the Non-Fuel Operations and Maintenance by \$12,000,000 for the Holly Street Power Plant decommissioning account and decrease the Austin Energy Operating Fund ending balance by \$12,000,000. Funding is available from the ending balance of the Austin Energy Operating Fund. Funding in the amount of \$5,000,000 is available from deductive credits incorporated into the contract from the winning bidder. The Electric Utility Commission recommended approval of this item with concerns about the large price differentiation between the first and second proposals of approximately \$6.1 million, about 25 percent of the project cost, in relation to the small score difference on the evaluation matrix. Related to Item #7.
This item was postponed to January 27, 2011 on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman off the dais.
7. Authorize negotiation and execution of a contract with TRC ENVIRONMENTAL CORPORATION, Austin, TX, or one of the other qualified offerors to RFP Solicitation No. CLMB301, for the Holly Street Power Plant Decommissioning Project for \$24,905,361, plus \$1,245,268 contingency for a total not-to-exceed amount of \$26,150,629. Funding is available in the 2010-2011 Capital Budget of Austin Energy. Best Value to the City of 6 proposals received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program)

by meeting the goals with 22.56% MBE and 3.06% WBE subcontractor participation. Recommended by the Electric Utility Commission. Related to Item #2.

This item was postponed to January 27, 2011 on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman off the dais.

CITIZEN COMMUNICATION: GENERAL

Rae Nadler-Olenick - Water fluoridation

Heather Fazio - Airport security

Gordon Maxim-Kelley - Support of disc golf course at Roy G. Guerrero location

Jeannie Ramirez - Police arrest on DWI

Wesley Strackbein - TSA policy and Austin Airport

Jeff Blackwelder - Results of Austin Service Days

Zac Tolbert - Support of disc golf

Roger Duck - Proposed Mobile Loaves and Fishes RV campground on McKalla

Walt Esquivel - Vision and intent of the North Burnet/Gateway Zoning District

Bradley Pierce - Austin Airport and the TSA

Mayor Leffingwell recessed the Council Meeting at 12:33 p.m.

Mayor Leffingwell called the meeting back to order at 1:49 p.m.

BRIEFING

45. Construction Equipment Emission Reduction briefing
The presentation was made by Howard Lazarus, Director of the Public Works Department.

ZONING ITEM (HEARING CLOSED)

47. C14-2010-0143 - Frontier Valley - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1418 Frontier Valley Road (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to mobile home residence-neighborhood plan (MH-NP) combining district zoning, with conditions. First reading approved on November 18, 2010. Vote: 6-1; Morrison, nay. Applicant: FVMHP, LP (Randy G. Allen). Agent: FVMHP, LP (Randy G. Allen). City Staff: Stephen Rye 974-7604.
Ordinance No. 20110113-047 for mobile home residence-neighborhood plan (MH-NP) combining district zoning, with conditions was approved on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Morrison voted nay.

ZONING CONSENT ITEMS (PUBLIC HEARINGS)

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

48. C14-2010-0167 - Weirido's 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12408 North Mopac Expressway Service Road South Bound (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Sharon Ma / Weird Times, LLC (Jesse Fortney). Agent: Coats Rose Yale Ryman & Lee (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20110113-048 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
49. C14-2010-0168 - Weirido's 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2900 O'Neal Lane (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Applicant: Sharon Ma / Weird Times, LLC (Jesse Fortney). Agent: Coats Rose Yale Ryman & Lee (John M. Joseph). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20110113-049 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
50. C14-2010-0176 - 12636 Research Suite 109 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12636 Research Boulevard, Building C, Unit 109 (Walnut Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Chi-Kao Hsu. Agent: Hsu Equity, Inc. (Christina Hsu). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20110113-050 for commercial-liquor sales (CS-1) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
53. C14-2010-0101 - Shoal Creek Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1808 Vance Circle (Shoal Creek Watershed) from family residence (SF-3) district zoning to general office (GO) district zoning. Staff Recommendation: To deny general office (GO) district zoning. Planning Commission Recommendation: To deny general office (GO) district zoning. Applicant: Reynaldo Ortiz. Agent: J. Valera Engineering (Juan Valera). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to February 17, 2011 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
54. C14-2010-0163 - Austin Cribs - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6320 City Park Road (West Bull Creek Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on January 18, 2011. Applicant: Austin Cribs, L.L.C. (Cord Shiflet). Agent: Irion Slade, L.L.C. (Terry Irion). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to February 17, 2011 on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

58. C14-2010-0190 - BB-OTL Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1807 West Slaughter Lane (Slaughter Creek Watershed) from community commercial (GR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions. Owner/Applicant: BB Retail South, LP (Jimmy J. Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20110113-058 for limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
62. C14-2010-0184 - MLK City-Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701, 1703, 1705 and 1707 E. Martin Luther King Jr. Blvd. (Boggy Creek Watershed) from community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to change a condition of zoning. Applicant and Agent: City of Austin - Planning and Development Review Department (Joi Harden). City Staff: Joi Harden, 974-2122.
The public hearing was closed and Ordinance No. 20110113-062 for community commercial-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
63. C14-2010-0195 - Loop 360 Storage - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2631 South Capital of Texas Highway (Barton Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant to commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: Riata Holdings, Ltd. (Matt Mathias). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.
The public hearing was closed and the first reading of the ordinance for commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
66. C14H-2010-0025 - McCrummen-Wroe House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2300 Windsor Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: David and Kimberly Hood, owners. City Staff: Steve Sadowsky, 974-6454.
This item was postponed indefinitely and withdrawn from the agenda on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. (Under City Code,

items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the Council agenda.)

DISCUSSION ITEMS

51. NPA-2010-0007.01 - ABBA Wigs Salon - Conduct a public hearing and approve an ordinance amending Ordinance No. 2000629-106, the North Austin Civic Association Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally know as 1105 Kramer Lane (Walnut Creek Watershed) from Office to Mixed Use/Office land use. Staff Recommendation: Recommended. Planning Commission Recommendation: Recommended. Owner/Applicant: Araceli and Mario Franco. Agent: Araceli Franco. City Staff: Maureen Meredith, 974-2695.
The public hearing was closed and Ordinance No. 20110113-051 to change the designation on the future land use map (FLUM) to mixed use/office land use was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
52. C14-2010-0178 - ABBA Wig Salon - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1105 Kramer Lane (Walnut Creek Watershed) from neighborhood office-neighborhood plan (NO-NP) district zoning to general office-mixed use-neighborhood plan (GO-MU-NP) district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-mixed use-conditional overlay neighborhood plan (GO-MU-CO-NP) combining district zoning, with conditions. Applicant: Araceli & Mario Franco. City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20110113-052 for general office-mixed use-conditional overlay neighborhood plan (GO-MU-CO-NP) combining district zoning, with conditions was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
55. C814-2008-0145 - The Park PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Barton Springs Road (Bouldin Creek Watershed) from general commercial services-commercial-liquor sales-vertical mixed use building-neighborhood plan (CS-1-V-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To deny planned unit development- neighborhood plan (PUD-NP) combining district zoning. Planning Commission Recommendation: To deny planned unit development-neighborhood plan (PUD-NP) combining district zoning. Applicant: Texas American Resources (David Honeycutt) Agent: Drenner & Golden Stuart Wolff, LLP. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.
The public hearing was closed and the first reading of the ordinance for planned unit development neighborhood plan (PUD-NP) combining district zoning was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Morrison voted nay. Direction was given to staff to send this case to the Design Commission for their input before the next Council meeting.
68. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owner's engineer, Mr. Bradley Lingvai, on behalf of the owners to construct a new single-family house at 419 W. Johanna Street, which is in the 100-year floodplain of East Bouldin Creek. There is no unanticipated fiscal impact. October 12, 2009- Board of Adjustments approved a variance from LDC Section 25-2-774(C)(2) to construct a principal structure to the rear of the lot and to change the use of the existing lot to create a two-family residential use in a SF-3-NP, Family Residence-Neighborhood Plan Z.
This item was postponed to February 10, 2011 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

69. Conduct a public hearing and consider an appeal by Camille Perry on a decision to approve an Outdoor Music Venue Permit for Irie Bean Coffee Bar, located at 2310 S. Lamar Blvd., Unit 102.
This item was postponed to January 27, 2011 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
70. Conduct a public hearing and consider an appeal by Rafael Robinson, on the hours of operation approved in the Outdoor Music Venue Permit for the Irie Bean Coffee Bar, located at 2310 S. Lamar Blvd., Unit 102.
This item was withdrawn by the Mayor without objection.
56. NPA-2010-0021.01 - Roy G. Guerrero Colorado River Park - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055, the East Riverside/Oltorf Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally know as 700 Grove Blvd. (Country Club Creek Watershed) from Mixed Use/Office to Recreation/Open Space land use. Staff Recommendation: Recommended. Planning Commission Recommendation: To postpone to January 11, 2011. Owner/Applicant: City of Austin, Parks and Recreation Department Agent: City of Austin, Parks & Recreation Department (Ricardo Soliz). City Staff: Maureen Meredith, 974-2695.
The public hearing was closed and the first reading of the ordinance to change the land use designation on the future land use map (FLUM) to Recreation/Open Space land use was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Direction was given to staff to take this case to the Urban Forestry Board at their January 19, 2011 meeting for their input before the next Council meeting.
57. C14-2010-0131 - Roy G. Guerrero Colorado River Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 Grove Boulevard (Country Club East Watershed) from rural residential district-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning and general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public- neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin Parks and Recreation Department (Ricardo Soliz). Agent: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye, 974-7604.
The public hearing was closed and the first reading of the ordinance for public-neighborhood plan (P-NP) combining district zoning was approved on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Direction was given to staff to take this case to the Urban Forestry Board at their January 19, 2011 meeting for their input before the next Council meeting.

Mayor Leffingwell recessed the Council Meeting at 5:34 p.m.

LIVE MUSIC

Miranda Dawn

PROCLAMATIONS

Proclamation -- Peace through Pie -- to be presented by Council Member Randi Shade and to be accepted by Ann Graham and fellow Pie-O-Neers

Proclamation -- Community Tax Center Days -- to be presented by Mayor Lee Leffingwell and to be accepted by Keary Kinch

Mayor Leffingwell called the meeting back to order at 6:31 p.m.

59. NP-2010-0028 - Heritage Hills/Windsor Hills Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Heritage Hills/Windsor Hills Combined Neighborhood Plan, generally bounded by East Braker Lane to the north, Cameron Road/Dessau Road to the east, U.S. Highway 183/East Anderson Lane to the south, and IH 35 to the west (Little Walnut Creek Watershed, Buttermilk Branch Watershed, Walnut Creek Watershed). Planning Commission Recommendation: To grant the land use recommendations that implement the Heritage Hills/Windsor Hills Combined Neighborhood Plan. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Kathleen Fox, 974-7877; Greg Dutton, 974-3509.

The public hearing was closed and Ordinance No. 20110113-059 adopting the Heritage Hills/Windsor Hills Combined Neighborhood Plan, including recommendations 150 and 164.1 as stated below, was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

The motion to approve the wording for recommendation 150 to read as follows, with the friendly amendment from Mayor Leffingwell, was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote. Recommendation 150 will read, "The neighborhood will consider supporting the North Acres bicycle/pedestrian bridge in its current location on Park Plaza if City staff (the Public Works Department and the Austin Police Department) clearly demonstrates to both the neighborhood and City Council that the crime rate has been significantly reduced on the north side of the proposed North Acres bicycle/pedestrian bridge prior to moving forward with the construction of this project." The friendly amendment from Mayor Leffingwell was that neighborhood approval is not needed to begin construction of the bridge.

The motion to approve the wording for plan recommendation 164.1 as it is currently written in the plan was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

60. C14-2010-0160 - Heritage Hills Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Heritage Hills Neighborhood Planning Area, generally bounded by East Rundberg Lane to the north, Cameron Road to the east, U.S. Highway 183/East Anderson Lane to the south and IH 35 to the west (Little Walnut Creek Watershed, Buttermilk Branch Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Heritage Hills/Windsor Hills Combined Neighborhood Plan, NP-2010-0028, on 7 tracts of land (98.8 acres). Under the proposed Heritage Hills NPCD, the following design tools are proposed to be applied area-wide: parking placement and impervious cover restrictions, garage placement, and front porch setback. The following special use option is proposed to be applied area-wide: "small-lot amnesty." Other special use options proposed to be applied on a parcel-specific basis include: "residential infill" and "neighborhood urban center." Other special use options that could be approved by City Council on a neighborhood-wide basis include: "cottage," "urban home," "secondary apartment," "corner store," and "neighborhood mixed-use building." The following infill options will be applied to Tracts C, D, and E: "residential infill." The following infill options will be applied to Tracts F and G: "neighborhood urban center." In addition, front and side yard parking restrictions, and mobile food establishment restrictions are proposed area-wide. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning;

family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multifamily residence limited density (MF-1) district zoning; multifamily residence low density (MF-2) district zoning; multifamily residence medium density (MF-3) district zoning; multifamily residence moderate-high density (MF-4) district zoning; multifamily residence high density (MF-5) district zoning; multifamily residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; limited industrial service (LI) district zoning; and public (P) district zoning. A conditional overlay (CO), mixed use combining district (MU), vertical mixed use building (V) combining district, or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Heritage Hills Neighborhood Plan. Planning Commission Recommendation: To grant rezoning that implement the land use recommendations of the Heritage Hills Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Kathleen Fox, 974-7877; Greg Dutton, 974-3509; Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20110113-060 for rezoning property to implement the land use recommendations of the Heritage Hills Neighborhood Plan including the following was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote. Action includes: Small Lot Amnesty for the entire Heritage Hills NPCD; Residential Infill on Tracts C, D and E; Neighborhood Urban Center on Tract F and the following design tools for the entire NPCD: Impervious Cover and Parking Placement Restrictions, Garage Placement and Front Porch Setback as well as restricted mobile food vending regulations and restricted front and side yard parking regulations.

61. C14-2010-0161 - Windsor Hills Neighborhood Planning Area Rezonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as the Windsor Hills Neighborhood Planning Area, generally bounded by East Braker Lane to the north, Dessau Road to the east, East Rundberg Lane to the south and IH 35 to the west (Little Walnut Creek Watershed, Walnut Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the Heritage Hills/Windsor Hills Combined Neighborhood Plan, NP-2010-0028, on 26 tracts of land (118.6 acres). Under the proposed Windsor Hills NPCD, the following design tools are proposed to be applied area-wide: parking placement and impervious cover restrictions, garage placement, and front porch setback. The following special use option is proposed to be applied area-wide: "small-lot amnesty." Other special use options proposed to be applied on a parcel-specific basis include: "residential infill." The following special use options will be applied in a subdistrict: "cottage," and "urban home." The subdistrict is generally bounded by Childress Drive to the north, East Rundberg Lane to the south, Marlborough Drive to the east, and Hansford Drive/Northcape Drive/Cottle Drive to the west. Other special use options that could be approved by City Council on a parcel-specific basis include "secondary apartment," "corner store," and "neighborhood mixed-use building." The following infill options will be applied to Tracts A and B: "residential infill." In addition, front and side yard parking restrictions, and mobile food establishment restrictions are proposed area-wide. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multifamily residence limited density (MF-1) district zoning; multifamily residence low density (MF-2) district zoning; multifamily residence medium density (MF-3) district zoning; multifamily residence moderate-

high density (MF-4) district zoning; multifamily residence high density (MF-5) district zoning; multifamily residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; limited industrial service (LI) district zoning; and public (P) district zoning. A conditional overlay (CO), mixed use combining district (MU), vertical mixed use building (V) combining district, or neighborhood plan combining district (NP) may also be added to these zoning base districts. Staff Recommendation: To grant zonings and rezonings that implement the land use recommendations of the Windsor Hills Neighborhood Plan. Planning Commission Recommendation: To grant zonings and rezonings that implement the land use recommendations of the Windsor Hills Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Kathleen Fox, 974-7877; Greg Dutton, 974-3509; Joi Harden, 974-2122.

The public hearing was closed and Ordinance No. 20110113-061 for zonings and rezoning to implement the land use recommendations of the Windsor Hills Neighborhood Plan including the following was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote. Action includes Small Lot Amnesty for the entire Windsor Hills NPCD; Residential Infill on Tracts A and B; Cottage Lot and Urban Home infill as described in the E. Rundberg Lane Subdistrict; and the following design tools for the entire NPCD: Impervious Cover and Parking Placement Restrictions, Garage Placement and Front Porch Setback as well as restricted mobile food vending regulations and restricted front and side yard parking regulations

64. C14H-1999-0018 - Brown-Dumas Blacksmith Shop - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 104 W. 2nd Street (Lady Bird Lake Watershed) from central business district-central urban redevelopment (CBD-CURE) combining district, to central business district-historic landmark-central urban redevelopment combining district (CBD-H-CURE) zoning. Staff Recommendation: To grant central business district-historic landmark-central urban redevelopment combining district (CBD-H-CURE) zoning. Historic Landmark Commission Recommendation: To grant central business district-historic landmark-central urban redevelopment combining district (CBD-H-CURE) zoning. Planning Commission Recommendation: To grant central business district-historic landmark-central urban redevelopment combining district (CBD-H-CURE) zoning. Applicant: Second Congress Limited, owners. City Staff: Steve Sadowsky, 974-6454.
- The public hearing was closed and Ordinance No. 20110113-064 for central business district-historic landmark-central urban redevelopment combining district (CBD-H-CURE) zoning was approved on Council Member Shade's motion, Mayor Leffingwell's second on a 7-0 vote.**

65. C14H-2010-0008 - Driskill Hotel Tower - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 117 E. 7th Street (Lady Bird Lake Watershed) from central business district (CBD) zoning to central business district-historic landmark (CBD-H) combining district zoning. Staff Recommendation: To grant central business district-historic landmark (CBD-H) combining district zoning. Historic Landmark Commission Recommendation: To grant central business district-historic landmark (CBD-H) combining district zoning. Planning Commission Recommendation: To grant central business district-historic landmark (CBD-H) combining district zoning. Applicant: Destination Hotels and Resorts, Inc., owners. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20110113-065 for central business district-historic landmark (CBD-H) combining district zoning was approved on Council Member Shade's motion, Mayor Leffingwell's second on a 7-0 vote.

67. C14H-2010-0039 - Bradford-Nohra House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4213 Avenue G (Waller Creek Watershed) from townhouse-condominium residence-neighborhood conservation (SF-6-NCCD) combining district zoning to townhouse-condominium residence-historic landmark-neighborhood conservation (SF-6-H-NCCD) combining district zoning. Staff Recommendation: To deny townhouse-condominium residence-historic landmark-neighborhood conservation (SF-6-H-NCCD) combining district zoning. Historic Landmark Commission Recommendation: To grant townhouse-condominium residence-historic landmark-neighborhood conservation (SF-6-H-NCCD) combining district zoning. Planning Commission Recommendation: Forwarded to Council without a recommendation. Applicant: Historic Landmark Commission. Owner: Sylvia Dudney, Trustee for Helen Nohra. City Staff: Steve Sadowsky, 974-6454.

The motion to close the public hearing and deny historic zoning failed on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 3-4 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Member Shade. Those voting nay were: Council Members Cole, Morrison, Riley, and Spelman.

There was a motion by Council Member Spelman, seconded by Council Member Cole to close the public hearing and approve the first reading of the ordinance to grant townhouse-condominium residence-historic landmark-neighborhood conservation (SF-6-H-NCCD) combining district zoning.

There was a substitute motion to close the public hearing and approve on 3 readings, the ordinance for townhouse-condominium residence-historic landmark-neighborhood conservation (SF-6-H-NCCD) combining district zoning made by Council Member Cole and seconded by Mayor Pro Tem Martinez. However, the motion passed on the first reading only a 4-3 vote because five affirmative votes are needed to pass an ordinance on multiple readings at a single meeting. Those voting aye were: Council Members Cole, Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez, and Council Member Shade.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 8:55 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 10:09 p.m.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

71. Conduct a public hearing and consider an appeal by Mr. Gene Sanchez regarding the decision to approve an Outdoor Music Venue permit for Lustre Pearl, located at 97 Rainey Street.
The public hearing was closed and the appeal was approved on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 7-0 vote.
72. Conduct a public hearing to receive citizen comments on the City's intent to apply to the U.S. Department of Housing and Urban Development (HUD) for up to \$8,000,000 of Section 108 funds and up to \$2,000,000 in Brownfields Economic Development Initiative (BEDI) Grant to carry out eligible economic development activities pursuant to 24 CFR 570.703 (h)(2) and 570.204. Under the HUD Regulations the City proposes to make loans to for-profit entities to create job opportunities for persons of low and moderate income at a minimum of one job per \$35,000 of HUD assistance, pursuant to 20 CFR 570.703 (i).

The public hearing was closed on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 11:32 p.m. without objection.

The minutes for the Regular Meeting of January 13, 2011 were approved on this the 27th day of January 2011 on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.